

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RICK ALEXANDER,

6:10-CV-6147-TC

Plaintiff,

v.

ORDER

DAVID HERMAN,

Defendant.

COFFIN, Magistrate Judge:


This is an action involving business disputes. An oral argument was held on defendant's motion to dismiss.

The motion to dismiss is denied. The court finds Erwin Schutfort is not an indispensable party and defendant has made no effort to serve Schutfort who is named by defendant in a cross-claim and is in New Caledonia. To the extent defendant desires to have Schutfort appear he may file a motion for alternative service.

CONCLUSION

Defendant's motion (#109) to dismiss is denied.

DATED this 21 day of February , 2014.



THOMAS M. COFFIN
United States Magistrate Judge